

DOCKET NO: 250832US2X CONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
SHINJI HIMORI, ET AL. : EXAMINER: CROWELL, ANNA M.
SERIAL NO: 10/810,694 :
FILED: MARCH 29, 2004 : GROUP ART UNIT : 1763
FOR: PLASMA PROCESSING :
APPARATUS

DECLARATION UNDER 37 C.F.R. § 1.132

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

I, Itsuko Sakai, hereby declare:

I am a named inventor in the above-identified patent application SN 10/810,694 (the "present application"), and I am a named inventor in JP 2002-16045 to Hayashi et al. (hereinafter "Hayashi1") and in U.S. patent Publication Number 2002/0042204 A1 to Hayashi et al. (hereinafter "Hayashi2").

In the outstanding Office Action dated July 3, 2007, the claims pending in the present application were rejected under 35 USC §102(a) over Hayashi1 and under 35 USC §102(e) and §103(a) over Hayashi2.

I invented and/or conceived the subject matter disclosed in Hayashi1 and in Hayashi2 which was relied upon in the July 3 Office Action to reject the pending claims.

At the time of conception of the invention of the present application, I was under an obligation to assign to Kabushiki Kaisha Toshiba (Toshiba Corporation). The present

application is assigned to Toshiba Corporation and Tokyo Electron Limited, Hayashi1 is assigned to Toshiba Corporation, and Hayashi2 is assigned to Toshiba Corporation.

I hereby declare that all statements made herein of my own knowledge are true and that all statements on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC §1001 and that such willful false statements may jeopardize the validity of any patent issuing from the present application.

Itsuko Sakai
Itsuko Sakai

February 27, 2008
Date

Customer Number

22850

TEL: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 08/07)